

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LORIE DUFF)	
)	
PLAINTIFF)	
)	
v.)	CIVIL ACTION NO. 4:20-CV-03430
)	
FRONTIER AIRLINES, INC. AND ABM)	JURY DEMANDED
AVIATION, INC.)	
)	
DEFENDANTS)	

**PLAINTIFF'S FIRST AMENDED UNOPPOSED MOTION FOR
LEAVE TO FILE AMENDED COMPLAINT¹**

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW, LORI DUFF ("Plaintiff") requesting leave to file her first amended complaint.

I. Introduction

1. Plaintiff Lori Duff is an individual residing in Harris County, Texas.
2. Defendants Frontier Airlines, Inc. and ABM Aviation, Inc. have both appeared, and advised that they are unopposed to the granting of this motion.
3. Plaintiff has asserted personal injury claims against Defendants related to a fall Plaintiff suffered while being pushed in a wheelchair off of a Frontier airplane by staff employed by ABM Aviation at Houston Intercontinental Airport.

II. Motion for Leave

5. Unless the opposing party can show prejudice, bad faith, or undue delay, a court should

¹Plaintiff intends for this Unopposed Motion for Leave and accompanying First Amended Petition replace and/or supercede the Motion for Leave and First Amended Petition filed with the Court on April 2, 2020 which has not been ruled upon as of the filing of this motion.

grant leave to file an amended pleading. *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1962). This is the first motion for leave to amend filed by Plaintiff. Defendants have indicated they are unopposed to the granting of the motion.

6. The court should allow the filing of Plaintiff's amended pleading because this matter was originally filed in State District Court in Harris County, Texas and the pleadings need to be conformed for federal practice. Further, Plaintiff seeks to add an additional party, DAL Global Services, LLC (now known as Unifi) as they were the jetway operator responsible for ensuring a safe, level connection between the airplane and the jetway where the subject incident occurred. Until recent discovery and discussions between Plaintiff and Defendants ABM and Frontier, the facts of exactly what occurred were quite unclear; while there is still likely some dispute over the facts, it does appear clear the leveling of the jetway with the aircraft is an issue that will play a role in determining the liability (if any) of the various parties.

7. Defendants will not be prejudiced by this amendment as it clarifies claims previously made to aide in the discovery process.

8. A copy of the proposed pleading is attached hereto as Exhibit "A".

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that the Court grant his unopposed motion for leave and for such other relief at law or equity to which Plaintiff may be entitled.

Respectfully Submitted,

THE FORSBERG LAW FIRM, P.C.

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CERTIFICATE OF SERVICE

This is to certify that on April __9__, 2021, a true and correct copy of the foregoing documents was served by US Mail with a copy by efilng on:

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